

Supreme Court of Vermont
Office of State Court Administrator



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TO: Rep Janet Ancel, Chair, House Committee on Ways and Means
Senator Ann Cummings, Chair, Senate Committee on Finance
Rep Sarah Copeland Hanzas, Chair, House Committee on Government Operations
Senator Jeannette K. White, Chair, Senate Committee on Government Operations

FROM: Patricia Gabel, Esq., State Court Administrator

DATE: January 21, 2020

RE: Judiciary Fee Bill Request

The Judiciary has drafted a proposed bill comprising three amendments to fees. The proposals are as follows:

- Section 1 proposes to amend 13 V.S.A. § 7282. SURCHARGES to increase the \$47 surcharge in subsection (a) to a \$50 surcharge. This change is being sought as the Tax Department will only accept debts of at least \$50. Due to this minimum threshold, the judiciary cannot refer unpaid \$47 surcharges to the Tax Department for collection.
- Section 2 proposes to amend 24 V.S.A. § 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU to add an instance in which the Judicial Bureau can assess a standard \$10 surcharge for failure to pay a penalty. While the Judicial Bureau applies the \$10 assessment to instances in which an individual fails to timely pay a penalty after hearing or a default judgment, the statutes are silent on instances in which an individual fails to timely pay a penalty after an admission of guilt. This amendment clarifies that any failure to pay a penalty timely will result in an added \$10 surcharge—regardless of how the penalty was assessed.
- Section 3 proposes to amend 32 V.S.A. § 1431 FEES IN SUPREME AND SUPERIOR COURTS to clarify that the filing fee for an appeal of a probate decision in the Superior

Court Civil Division is \$295. This clarification comports with the courts' standing practice. For fiscal reference, about 22 probate appeals are filed each year in the judiciary, yielding about \$6,490 per year for the General Fund. Yield varies depending on the number of actual filings and whether the filer qualified for a fee waiver.

Thank you for your consideration. I would be glad to discuss any questions or concerns that you may have.